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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:17-cr-00044-JAD-PAL

8 Plaintiff,

9 v.

**ORDER**

10 JOEL SHANNON SMITH,

(Emrg. Mot. Release – ECF No. 42)

11 Defendant.

12 This matter is before the court on Defendant Joel Shannon Smith's Emergency Motion for  
13 Escorted Release and Transportation to Attend a Private Viewing (ECF No. 42), filed June 11,  
14 2018. This Motion is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB  
15 1-3 of the Local Rules of Practice. The court has considered the Motion.

16 A federal grand jury returned an Indictment (ECF No. 1) on February 8, 2017 charging Mr.  
17 Smith with three counts of Felon in Possession of a Firearm, a violation of 18 U.S.C. § 922(g)(1)  
18 and § 924(a)(2). On September 28, 2017, the court held a detention hearing during which the  
19 government moved for detention. Mins. of Proceedings (ECF No. 7). Mr. Smith declined to  
20 interview with Pretrial Services and defense counsel submitted the matter without argument. *Id.*  
21 He was detained pending trial as a danger to the community and a risk of flight for reasons set  
22 forth at the hearing and in the court's written order. Order of Detention (ECF No. 16). Thus, he  
23 is currently incarcerated and awaiting trial.

24 Mr. Smith's motion requests permission to attend a private viewing and memorial service.  
25 Defense counsel learned on June 6, 2018 that Mr. Smith's mother, Veretta Smith passed away on  
26 June 1, 2018. The private viewing is scheduled for June 14th at Affordable Cremation & Burial  
27 Service located at 2127 W. Charleston, Las Vegas, Nevada, between 9:00- 10:00 am and the burial  
28 will take place at 11:00 a.m. at Palm Northwest Mortuary located at 6701 N. Jones Blvd., Las

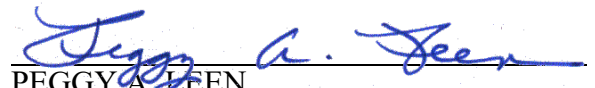
1 Vegas, Nevada. Mr. Smith also asks for transportation from the detention facility in Pahrump to  
2 the private viewing and the burial. He requests that the United States Marshal arrange for the  
3 payment of travel expenses associated with the requested travel and escort as he is indigent.

4 The court empathizes with Mr. Smith's profound loss and natural desire to attend the  
5 memorial service and burial. However, having found that there are no conditions or combination  
6 of conditions that will reasonably assure the safety of the community or his appearance as required  
7 if he is released, the court will not release him to attend the service. The court offers heartfelt  
8 condolences to Mr. Smith for the loss of his mother.

9 Accordingly,

10 **IT IS ORDERED:** Defendant Joel Smith's Emergency Motion for Escorted Release and  
11 Transportation to Attend Private Viewing (ECF No. 42) is **DENIED**.

12 Dated this 13th day of June, 2018.

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15 PEGGY A. LEEN  
16 UNITED STATES MAGISTRATE JUDGE  
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